

**1st RESOLVED**, that the proposed 2005 Suffolk County Discretionary Expense Budget is hereby adopted, pursuant to Section 4-8(A) of the SUFFOLK COUNTY CHARTER; Local Law 38-1989, "Charter Law to Establish Consolidated Tax Levy Cap for County of Suffolk"; and Local Law 29- 1995, "Charter Law to Establish a Simplified Dual Budgetary Process containing the following Appropriations, Revenues, Positions, Reserve Funds, Line Items, Transfer of Funds, and Clauses as set forth in this document and made a part hereof:

and be it further

**2nd RESOLVED**, that any "Pseudo Code Index Numbers" contained in this proposed Discretionary Expense Budget shall be deemed approved by virtue of their inclusion as line items herein; and be it further

### **TAX STABILIZATION RESERVE**

**3rd RESOLVED**, that the Contingency and Tax Stabilization Reserve Fund, heretofore established pursuant to Section 6-e of the NEW YORK GENERAL MUNICIPAL LAW and Section 4-10(F)(2)(a) of the SUFFOLK COUNTY CHARTER, is hereby reaffirmed and extended for the purpose of accumulating and providing moneys to be used for those lawful purposes enumerated in law, and is hereby reestablished for fiscal year 2005 and for each and every subsequent fiscal year, if necessary, subject to the permissive referendum requirements of Sections 101-103 of the NEW YORK COUNTY LAW for the purpose of accumulating and providing moneys to be used for those lawful purposes enumerated in law, the substantive effect of which shall be to moderate and stabilize real property taxes in Suffolk County; and be it further

**4th RESOLVED**, that the Clerk of the County Legislature is hereby authorized, empowered, and directed, pursuant to Section 101(1) of the NEW YORK COUNTY LAW to cause a notice to be published at least once in the official newspapers of the County of Suffolk, containing the number, date of adoption, and true copy of the 3rd and 5th RESOLVED clauses of this Resolution (together with Reserve Fund line items, if any) and a statement that such provision is subject to a permissive referendum; and be it further

**5th RESOLVED**, that the 3rd RESOLVED clause of this Resolution shall not take effect until forty-five (45) days after its adoption nor unless it is approved by the affirmative vote of at least a majority of the qualified electors of the county voting on a proposition therefor, if within forty-five days after its adoption there be filed with the Clerk of the County Legislature a petition signed by qualified electors of the County in number of not less than ten per cent of the vote cast for Governor in Suffolk County at the last general election held for the election of state officers; and be it further

## **RETIREMENT CONTRIBUTION RESERVE FUND**

**6th**        **RESOLVED**, that a Retirement Contribution Reserve Fund is hereby established pursuant to Section 6-r of the NEW YORK GENERAL MUNICIPAL LAW for the purpose of financing future payments of retirement contributions; and be it further

**7th**        **RESOLVED**, that the Clerk of the County Legislature is hereby authorized, empowered, and directed, pursuant to Section 101(1) of the NEW YORK COUNTY LAW, to cause a notice to be published at least once in the official newspapers of the County of Suffolk, containing the number, date of adoption, and true copy of the 6th and 8th **RESOLVED** clauses of this Resolution (together with Reserve Fund line items, if any) and a statement that such provision is subject to a permissive referendum; and be it further

**8th**        **RESOLVED**, that the 6th **RESOLVED** clause of this Resolution shall not take effect until forty-five (45) days after its adoption nor unless it is approved by the affirmative vote of at least a majority of the qualified electors of the county voting on a proposition therefore, if within forty-five days after its adoption there be filed with the Clerk of the County Legislature a petition signed by qualified electors of the County in number of not less than ten per cent of the vote cast for Governor in Suffolk County at the last general election held for the election of state officers; and be it further

## **EMHP CHARGEBACK**

**9th**        **RESOLVED**, that the Suffolk County Employee Medical Health Plan (EMHP) costs for 2005 shall be charged back on the basis of enrollees, rather than budgeted appropriations, by the County Department of Audit and Control which shall also establish an annual reserve and/or accrual to preserve appropriations to prevent IBNR from closing to the fund balance; and be it further

## **EMHP PROGRAM REFORM**

**10th**       **RESOLVED**, that the Long Island Regional Planning Board Center for Regional Policy Studies, SUNY at Stony Brook, is hereby continued as the consultant to analyze and evaluate the Suffolk County Employees Medical Health Program (EMHP), for the purpose of evaluating the program and recommending what structural, management, or programmatic changes, if any, are necessary to contain costs and reduce the rate of increase in appropriations in this program, said evaluation to be completed no later than March 1, 2005, the expenditure for which shall not exceed Thirty-five Thousand and 00/100 Dollars (\$35,000.00) in 2005 and which shall not exceed \$50,000.00 in the aggregate for 2004 and 2005, as a nonprofit organization designated for line-item funding purposes in the Suffolk County Operating Budget (039-EMP-9061-4560) whose qualifications and expertise are hereby determined to be a special or technical skill under Section 708-6(B) of the SUFFOLK COUNTY CODE, thereby rendering such consultant eligible to perform the work requested by the County

Executive, any other provisions of Article III of Chapter 708 of the SUFFOLK COUNTY CODE to the contrary notwithstanding; and be it further

### **CAPITAL RESERVE FUND**

**11th RESOLVED**, that a Capital Reserve Fund (Fund 401) for the payment of pay-as-you-go projects eligible for such funding under Section 4-19 (B) of the SUFFOLK COUNTY CHARTER is hereby established, as more particularly set forth in Exhibit "B"; and be it further

### **POLICE DISTRICT TAX ALLOCATION**

**12th RESOLVED**, that the amount of sales tax revenue allocated to the Suffolk County Police District under this Discretionary Expense Budget from the sales tax revenues generated by Resolution No. 1028-1999, "Extending the Rate of Taxes on Sales and Uses of Tangible Personal Property and of Certain Services and on Occupancy of Hotel Rooms and Amusement Charges, pursuant to Article 29 of the Tax Law of the State of New York", shall be the sum certain of \$66,362,206.00 as set forth in item "115-FIN-1110 State Administered Sales and Use" of this document, and the County Department of Finance and Taxation is hereby authorized, empowered, and directed, pursuant to Section 15-2(G) of the SUFFOLK COUNTY CHARTER, to deposit the entire amount in Fund 115 no later than April 30, 2005; and be it further

### **BUDGETARY REFORM**

**13th RESOLVED**, that the 7<sup>th</sup> RESOLVED clause of Resolution 655-2001 is hereby repealed; and be it further

**14th RESOLVED**, that the 2nd RESOLVED clause of Resolution No. 57-2001, as suspended by Resolution No. 317-2004, is hereby repealed; and be it further

### **FORFEITURE FUNDS**

**15th RESOLVED**, that the Sheriff's Office Patrol Boat shall be funded to the maximum extent permissible by law through the use of forfeiture funds; and be it further

### **BUDGETARY ALLOCATIONS**

**16th RESOLVED**, that contracts for services provided under 001-8051-4980, 001-8050-4980, 001-7320-4980, 001-6772-4980, 001-6510-4980, 001-1420-4770 are hereby deemed eligible for compliance with Section 708-6 (E) of the SUFFOLK COUNTY CODE, the pseudo codes for which shall be issued by the Budget Office;

and be it further

**17th RESOLVED**, that Drug and Alcohol Abuse Resistance Training, including Tobacco Abuse Education and Gang Violence Education, is hereby established as the formal program of the County of Suffolk to carry out the policy of abating the dramatic rise of drug-related crimes by educating our youth and communities as to the dangers of drug, alcohol, gang, and tobacco abuse through the use of seasonal personnel and/or retired or disabled law-enforcement personnel; and be it further

**18th RESOLVED**, that the County Department of Health Services is hereby authorized and empowered to enter into a partnership with Vytra Health Plans to expand its current smoking cessation workshop led by Vytra Health Educations free of charge as a supplement to County programs and the County of Suffolk shall offer the use of County space to conduct such workshops in conjunction with Vytra Health Plans for members of the public, free of charge; and be it further

#### **ALTERNATIVE FOR YOUTH (AFY)**

**19th RESOLVED**, that an Alternative for Youth Oversight Committee is hereby established to provide early assistance to troubled families via a coordinated front-end delivery system to prevent PINS cases and to divert youth from the juvenile justice system and residential placements by coordinating an intervention/treatment plan to provide an array of services, primarily through linkages with existing and enhanced programs, the membership of which shall consist of:

- a.) the Commissioner of Social Services, or her or his designee, who shall serve as Chair;
- b.) the Director of Probation, or his or her designee;
- c.) the Director of the County Youth Bureau;
- d.) the Commissioner of Health Services, or his or her designee; and
- e.) a member of the County Executive's Office of Budget and Management, to be selected by the County Executive;

and be it further

#### **AIRPORT SECURITY**

**20th RESOLVED**, that, once special Suffolk County police patrols, which provide routine daily security at Long Island's Islip MacArthur Airport, are redeployed throughout the County of Suffolk, as determined by the Police Commissioner, as of January 1, 2005; the next two (2) Resolved Clauses shall apply; and be it further

**21st RESOLVED**, that no Deputy Sheriff shall be assigned to provide routine daily security at Long Island's Islip/MacArthur Airport as a replacement for special police patrols at the Airport that are being redeployed, pursuant to the 2005 County Operating Budget; and be it further

**22nd RESOLVED**, that security via the use of Suffolk County Department of Public Works personnel shall replace routine daily security provided by Deputy Sheriffs at Francis S. Gabreski County Airport; and be it further

**DEPARTMENT OF ENVIRONMENT AND ENERGY**

**23rd**            **RESOLVED**, that:

- A.) Section 14-10 of the SUFFOLK COUNTY CHARTER and Sections 14-27 through 14-34 of the SUFFOLK COUNTY ADMINISTRATIVE CODE are hereby incorporated by reference as to authorization for the pertinent offices within the County Department of Environment and Energy to carry out their duties, functions, and responsibilities under this law, except that Section 14-31 of the SUFFOLK COUNTY ADMINISTRATIVE CODE shall be deemed to constitute authorization for the County Department of Public Works to carry out the duties, responsibilities, and functions contained in that Section.
- B.) Chapter 712 of the SUFFOLK COUNTY CODE is hereby incorporated by reference as to authorization for the pertinent offices within the County Department of Environment and Energy to carry out their duties, functions, and responsibilities under this law.

and be it further

**24th**            **RESOLVED**, that the County Department of Environment and Energy shall have the following duties, functions, powers, and responsibilities:

I.) Definitions.

- A.) "Commissioner" shall mean the head of the Department.
- B.) "Department" shall mean the Suffolk County Department of Environment and Energy.
- C.) "Director" shall be the Director of Real Estate and head of the Division of Real Property Acquisition and Management.
- D.) "Person" shall mean any individual, either as an individual or as an officer or official acting in his official capacity; and corporation, including a public corporation; and authority; any partnership; and association; and estate; any trust; or any other entity whatsoever which is recognized by law as the subject of any rights and duties.

II.) Department Established; Commissioner.

- A.) The Suffolk County Department of Environment and Energy is hereby established, the head of which shall be the Commissioner. The Commissioner shall be appointed by the County Executive, subject to the

approval of the County Legislature, to serve at the pleasure of the County Executive.

- B.) The Commissioner shall have the powers and duties set forth herein and shall be in the unclassified service of the civil service. The Commissioner shall have at least either a 4 year college diploma or five (5) years of experience managing a function or area of activity that falls within the jurisdiction of this Department. Within the appropriations provided therefor and when authorized and approved by the County Legislature, the Commissioner shall appoint such employees as may be necessary, as well as employ such consultants as may be necessary. These appointments and contracts shall be subject to County Executive approval. The Commissioner shall be deemed the appointing authority for all employees within the Department.
- C.) There shall be a Division of Real Property Acquisition and Management, the head of which shall be the Director. He or she shall be appointed by the Commissioner.
  - 1.) No individual shall be considered for appointment as the Director of the Suffolk Division of Real Property Acquisition and Management unless and until he or she has at least ten (10) years of prior experience managing the lease, acquisition, sale, and/or use of interests in real property in the private sector and/or government sector or he or she has engaged in the practice of real estate law as a specialty, for at least five (5) years.
  - 2.) At least one staff member of the Division of Real Property Acquisition and Management shall be a New York State Certified General Appraiser in good standing.
    - a.) No officers or employees of the Division of Real Property Acquisition and Management shall engage in any outside business activity in the field of real estate which requirement shall apply to management exempt as well as positions secured by competitive Civil Service examination, consistent with the application of Civil Service rules.
    - b.) No officers or employees of the Division of Real Property Acquisition and Management shall be a party officer. For the purposes of this section, "party officer" shall mean one who holds any party position or any party office, whether by election, appointment or otherwise, and "party" shall mean any political organization which at the last preceding election for governor polled at least 50,000 votes for its candidate for governor. These requirements shall apply to all management and civil service positions consistent with the NEW YORK CIVIL SERVICE LAW and any applicable rules.

- D.) There shall be a Division of Energy, the head of which shall be appointed by the Commissioner. The Division shall be responsible for at least the following:
- 1.) LIPA activities as they pertain to Suffolk County pursuant to Section 16-1(D) of the SUFFOLK COUNTY CHARTER;
  - 2.) Suffolk County Electrical Agency application for low cost power to FERC and the implementation thereof;
  - 3.) the implementation and administration of Chapter 42 of the SUFFOLK COUNTY CODE;
  - 4.) energy conservation programs for County offices, buildings, and/or facilities;
  - 5.) Energy Advisory Committee and the functions described in Section 172 of the SUFFOLK COUNTY CODE; and
- E.) There shall be a Division of Cancer Awareness, the head of which shall be the Director of Breast Cancer Awareness. The Division shall be responsible for:
- 1.) coordination of studies and programs designed to uncover the cause of breast cancer and other cancers on Long Island;
  - 2.) coordination of studies and programs designed to uncover links between the environment and incidents of breast cancer and other cancers on Long Island;
  - 3.) work with private groups, research facilities, hospitals, and other government entities to secure federal and State funding for studies of the causes of breast cancer and other cancers on Long Island and a determination of any links between environment and incidents of breast cancer and other cancers on Long Island; and
  - 4.) review, analyze, explain, and summarize for the benefit of public information and education purposes any breast cancer incident maps prepared for Long Island.
- F.) There shall be a Division of Water Quality/Environmental Unit staffed initially by positions created in Resolution 221-2003. The Division shall be responsible for at least the following:
- 1.) composting facilities within the County.
  - 2.) Implementation of the program to source-separate all other waste generated within county office facilities that is not covered by Section 8-4(C)(7)(8)(9)(10) of the SUFFOLK COUNTY CHARTER.

- G.) The functions and responsibilities set forth herein shall be carried out by existing personnel as set forth in Section 42-4 of this Article.

III.) Powers and Duties.

- A.) The Department shall have the additional responsibility for:

- 1.) County recycling programs set forth in Chapter 399 of the SUFFOLK COUNTY CODE;
- 2.) activities designed to encourage, enhance, promote, and/or implement the deregulation of energy sources to and within the County of Suffolk;
- 3.) the Suffolk County Brownfields Program.
- 4.) Open Space acquisitions;
- 5.) Farmland Preservation Rights;
- 6.) Conservation Easements;
- 7.) implementation of Chapter 380 of the SUFFOLK COUNTY CODE dealing with pest control and pest management Committee rules and regulations;

- B.) The Department shall:

- 1.) Advise and assist any department, board, division, or agency of the government of the County of Suffolk, including the County Legislature and office of the County Executive, on matters pertaining to the environment or energy, except those matters currently handled by the Council on Environmental Quality.
- 2.) Make recommendations to the County Legislature and County Executive as to what county-owned properties should be dedicated to the county nature preserve, historic trust, conservation of agricultural lands, or bird sanctuary, and what properties not owned by the county should be acquired for purposes such as dedication.
- 3.) Assist and advise the County Executive in the preparation of the Annual Report on the Environmental Quality of Suffolk County pursuant to Section 1-6 of the SUFFOLK COUNTY CHARTER.
- 4.) Report to the County Legislature and County Executive on any actions or activities likely to have an impact on the quality of the environment within the County of Suffolk



- 5.) On request of the County Legislature or County Executive, review and evaluate any project or activity affecting the quality of the environment of Suffolk County.
  - C.) In the performance of its functions, the Department may require any office, division, department, or agency of County government to provide it with relevant data in reports concerning the agency's, department's, division's, or office's operations as they involve the policies of this Article, or both.
  - D.) The Department is authorized and empowered to enter into such Memoranda of Understanding (MOU) with other County, State, or federal departments, offices or agencies as shall be necessary to carry out the duties, functions, and responsibilities as set forth in this law.
- IV.) Records.
- A.) All records, property, and equipment associated with personnel transferred shall be transferred and delivered to the Department.
- V.) Judicial Review.
- A.) The validity or reasonableness of any order promulgated by the Department pursuant to this law shall be subject to judicial review as provided under Article 78 of the NEW YORK CIVIL PRACTICE LAWS AND RULES.
- VI.) Division of Farmland Acquisition and Management.

There shall be a Division of Farmland Acquisition and Management within the Department, the head of which shall be the Farmlands Administrator, who shall be qualified by experience in farm operation and management. He or she shall be appointed by the Commissioner. The Administrator shall have the responsibility to coordinate the affairs of the farmlands acquisition program; prepare and review systems, procedures, policy, and organizational structure that will be necessary to best obtain the objectives of the farmlands program; consult and work in conjunction with the Suffolk Department of Planning and the Suffolk County Farmlands Development Committee in selecting those farmlands that are to be acquired by the County; manage and supervise the county's interests in the farmland acquired through the program; and properly discharge such other functions and duties as may be assigned to him or her by the Commissioner.

and be it further

#### **SEVERABILITY**

**25th**        **RESOLVED**, that if any clause, sentence, paragraph, subdivision, section, or part of this Expense Budget or the application thereof to any person, individual,

corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Expense Budget, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered; and be it further

### **MISCELLANEOUS**

**26<sup>TH</sup>**        **RESOLVED**, that the 4th, 7th, 17th, 18th, and 19th resolved clauses shall take effect immediately.

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